



## THE U.S. DEPARTMENT OF JUSTICE INVESTIGATION OF ADOBE MOUNTAIN SCHOOL, BLACK CANYON SCHOOL AND CATALINA MOUNTAIN SCHOOL

March 2004

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### OVERVIEW

#### *A chronology of the U.S. Department of Justice investigation*

- ✚ On June 6, 2002 the U.S. Department of Justice (DOJ), Civil Rights Division notified former Governor Jane Dee Hull of their intent to conduct an investigation of three state juvenile correctional facilities, pursuant to the Civil Rights of Institutionalized Persons Act (CRIPA). It is believed that the investigation was in part, prompted by the suicide death of a youth at Adobe Mountain on April 11, 2002.
  - ✚ Prior to the commencement of the CRIPA investigation, a second youth committed suicide at Adobe Mountain on July 11, 2002. A third youth committed suicide following the conclusion of the investigation, on March 23, 2003 also at Adobe Mountain.
  - ✚ Between October 1, 2002 and January 13, 2003, DOJ attorneys, along with consultants in juvenile justice, suicide prevention, education, mental health and medical care conducted on-site investigations at the Adobe Mountain, Black Canyon and Catalina Mountain facilities. Committed youth, direct-care staff, teachers, medical and mental health providers and facility administrators were interviewed. An extensive number of documents, including policies and procedures, incident reports, grievances, Internal Affairs investigations, health and education records, training documents and communication logs were examined.
  - ✚ On January 23, 2004, a letter from the U.S. Department of Justice was received by Governor Janet Napolitano. The investigation culminated in numerous findings, which focused on **five main issue areas: Suicide Prevention, Juvenile Justice, Education, Medical Care and Mental Health/Rehabilitative Services**. Sixteen remedial measures were recommended to resolve the identified deficiencies.
  - ✚ Within forty-nine days or by March 12, 2004, the State of Arizona must respond to the U.S. Department of Justice with a proposed corrective plan that satisfies the concerns of the federal government. It is anticipated that this *initial* plan will be negotiated with DOJ so that an agreement can be reached.
  - ✚ Depending on the scope of the agreement, there will be a period of time that will allow for the Department's compliance. This period is likely to last several years, during which DOJ will employ monitors to track progress.
  - ✚ If no agreement is reached, or the Arizona Department of Juvenile Corrections is unable or unwilling to comply with agreed-upon corrective measures, the U.S. Department of Justice has the authority to file a lawsuit against the Department and its officials.
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To view the complete report visit [www.usdoj.gov/crt/split/index.html](http://www.usdoj.gov/crt/split/index.html)

If you should have questions, please contact Patti Cordova, 602-542-2564



## PROGRESS REPORT - MARCH 2004

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*A summary of significant corrective efforts regarding the five main issue areas: Suicide Prevention, Juvenile Justice, Education, Medical Care and Mental Health/Rehabilitative Services*

- ✦ Since January 23, 2004 the Department, in conjunction with the Governor's Office and the Attorney General's Office have been meeting weekly to work on a comprehensive response to the federal findings. It is anticipated that the Governor will release this document in the near future for public review.
- ✦ Given that one year has lapsed since the investigation, the Department, together with Governor Napolitano has extended an invitation to DOJ attorneys and consultants to return to the Department in late March 2004 to examine facility renovations and to assess various corrective efforts.

### ***Suicide Prevention***

- ✦ Since 2003, the Department has expended \$1.6 million on housing unit renovations to eliminate "anchor points" to which a ligature can be attached. The renovations at 39% of the housing units at Adobe Mountain, Black Canyon and Catalina involve the replacement of beds, desks, shelving units, window hardware, toilets, sinks, door hardware, and vents.
- ✦ The Department has removed dangerous items of clothing, including all belts. Shoelaces have been replaced with Velcro-fastened shoes. ADJC provides "suicide prevention blankets" to identified youth to minimize risk of self-harm.
- ✦ The Department now uses the Massachusetts Youth Screening Instrument (MAYSI) instrument to screen youth within one hour of arrival. A full suicide prevention assessment is completed for all youth within 24 hours of arrival unless the MAYSI screening indicates that the assessment be completed sooner.
- ✦ The Department established 14 close observation full time positions whose responsibility is to assist in the monitoring of youth at-risk for suicide.
- ✦ Suicide assessments and close observations are now documented and communicated on updated forms that were reviewed and approved by the Department's mental health consultants.
- ✦ The Department developed and implemented an introduction to mental health training curriculum to educate all youth contact staff regarding juveniles' mental health needs. In addition, the Department's Pre-service Training Academy (for new recruits) suicide prevention course has been expanded to eight hours.
- ✦ The Department equipped all Youth Corrections Officers (YCO) with emergency kits required to be worn while on duty, as recommended by consultants. The kits include suicide extraction knives.
- ✦ The Department has conducted Dialectical Behavioral Therapy (DBT) training, a nationally recognized modality for use with mentally ill and potentially suicidal youth, for 57 mental health services staff.

- ✦ ADJC drafted and implemented agency policy and procedure that clearly delineates responsibilities for communicating information regarding a potentially suicidal youth to other staff who interact with that youth.
- ✦ ADJC actively recruited and filled five of six vacant psychologist positions.

### **Juvenile Justice**

- ✦ The Department has added the following staff from current resources: A Deputy Superintendent for Adobe Mountain School to improve the supervision of housing units; 4 Youth Correctional Officer (YCO) positions to improve security; 2 additional YCO positions dedicated to ensuring timely third shift bathroom access for youth in the 20% of rooms without in-room bathrooms, and 14 close observation positions to provide additional close observation resources to ensure appropriate monitoring of youth at elevated risk.
- ✦ The Department's Pre-service Training Academy has been lengthened by two weeks. The curriculum includes nine new safety-related classes. In addition, a special Training Academy for all security personnel has been designed with 17 new courses to be implemented March 15, 2004. Courses include: Drug Identification, Security Searches Reports, Interviewing Skills and Gang Intelligence.
- ✦ For the 20% of housing units that do not have in-room toilets, the Department has improved security response time on the third shift to provide bathroom access for youth when called.
- ✦ The Department has revised its youth grievance procedure. The new procedure will provide for direct reporting of abuse allegations to the new Investigations and Inspections Unit.
- ✦ A pilot project for mediation of grievances has been implemented at Black Canyon School in partnership with the Arizona State University Department of Justice Studies.
- ✦ ADJC converted its Youth Rights Unit to a Juvenile Ombuds Unit, emphasizing the adoption of professional standards for Ombuds, including those promulgated by the American Bar Association.
- ✦ The Department has announced **Project Zero Tolerance** aimed at eliminating physical, sexual and verbal abuse.
- ✦ Interim Director Branham reorganized the former Internal Affairs unit into a newly designed Investigations and Inspections Unit (IIU). The IIU separates administrative and criminal investigations functions and has different staff assigned to each. The Department retained an expert in law enforcement internal affairs and investigations to assist in the redesign and review policies and procedures of the IIU.
- ✦ The Department is auditing all 2000-2003 Internal Affairs cases involving sexual misconduct, employee integrity and excessive use of force to determine whether cases were appropriately investigated and adjudicated. Where indicated, investigations will be re-opened.
- ✦ Department staff have been able to identify at least 10 staff anonymously alleged by DOJ to have been involved in the excessive use of force, sexual activity or other abusive conduct in the past. Those cases are being evaluated for further investigation, where necessary. (Two of those cases have been referred to the Maricopa County Attorney for review and potential prosecution)
- ✦ ADJC revised and implemented the procedures for Separation in order to clarify chain of command and criteria for releasing youth.

- ✦ ADJC has limited the use of in-room lock down by enforcing existing procedures. Currently, the Department is consulting with the Arizona Attorney General's Office on the due process issues involved in disciplinary confinement.

### **Education**

- ✦ The Department is now in compliance with the Individuals With Disabilities Education Act (IDEA) "Child Find" requirements. This has resulted in an increase in students identified as special education-eligible to approximately 50%.
- ✦ The position of "School Psychologist" was approved by the Arizona Department of Administration in July 2003, and one certified bilingual School Psychologist is on staff.
- ✦ Full-time Education Diagnosticians monitor the Child Find Initiative, compliance issues regarding Individualized Education Plan (IEP) notification, evaluations and special education records, conduct IEP meetings, complete IEP paperwork, and schedule Ed-Psych evaluations as necessary.
- ✦ Teachers and administrators received five hours of IDEA training in March 2003.
- ✦ The Department has met Americans With Disabilities Act (ADA) needs of youth in the past and will continue to work toward full compliance.
- ✦ The Department convened a team of educators, clinicians and other interested staff to begin development of process to identify students eligible for plans under Section 504 of the Rehabilitation Act of 1973 and for the plans' development.
- ✦ The Department has existing quality assurance policies and procedures for health care. These policies and procedures are being reviewed and a multidisciplinary work team is establishing an audit process to ensure compliance.

### **Health Care**

- ✦ A team approach to admissions has been developed between the Department and the staff of the Arizona State Hospital to ensure timely emergency mental health treatment for youth.

### **Mental Health/Rehabilitative Services**

- ✦ ADJC is developing an interdisciplinary Continuous Case Plan (CCP) process.
- ✦ ADJC has obtained funding for extensive Child and Family Team (CFT) training for staff.